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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,458	12/19/2000	Christopher L. Wong	23047-701	8837

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EXAMINER
COLON, CATHERINE M

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/742,458	WONG ET AL.
	Examiner	Art Unit	
	C. Michelle Colon	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _09 May 2005_.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-37,39 and 40_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-37,39 and 40_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 9,

2005 has been entered.

Claims 1, 19 and 37 have been amended. Claim 38 has previously been

canceled. Claims 1-37, 39 and 40 are now pending in this application.

Response to Amendment

2.   Applicant's amendments to claims 1, 19 and 37 are acknowledged.

Claim Objections

3.   Claim 5 is objected to because of the following informalities: Line 9 contains the

word, worldflow. It appears that workflow is the intended word. Appropriate correction

is required.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

5.   Claims 1-3, 5-8, 10-13, 15-21, 23-26, 28-31 and 33-36 are rejected under 35

U.S.C. 102(e) as being anticipated by Joao (U.S. 6,662,194).

As per claims 1 and 19, Joao discloses a method and system for workforce

procurement and management using a hosted network application, the method

comprising:

maintaining a plurality of modules accessible at varying levels to different

participants in a workforce procurement and management process, the modules

comprising (col. 11, lines 3-11; Figure 1; The system includes several interfaces for

conducting job searching and recruitment related functions. The interfaces are

maintained by various parties including contractors, freelancers, employers and

recruiters.),

an exchange module comprising a search function (col. 20, lines 53-63; Parties

can use the system to search for jobs and job candidates.);

a skills fulfillment module comprising,

a skills requirement function for specifying skills required for a project (col. 25, lines 25-31; Employers use the system to enter project requirements including specific skills.); and

a settlement function for tracking expenditures on a project (col. 34, lines 33-46; The system maintains financial accounts for tracking payments (i.e., expenses) to individuals for work performed on projects.);

resource management module comprising a work journal function for collecting information about the activity of an individual contractor on an ongoing project (col. 15, lines 23-33; col. 33, lines 53-67; The system maintains work schedules for contractors, which includes the days/times of their project activities as well as their availability.);

a knowledge management module comprising a reporting function and an analysis function (col. 22, lines 42-53; col. 25, line 66-col. 26, line 10; The system provides reports to both, contractors seeking jobs, as well as employers seeking contractors.); and

maintaining a database coupled to the plurality of modules (col. 14, lines 28-45; col. 15, lines 47-62; The system contains a database for maintaining contractor and employer information. The contractors and employers maintain their information stored in the database.).

As per claims 2 and 20, Joao discloses the method and system of claims 1 and 19, wherein the exchange module further comprises:

a sourcing function for specifying sourcing preference and rules for a project and

a transaction management function for managing a hiring process including sourcing,

interviewing, and negotiation (col. 24, lines 37-49; col. 25, lines 24-30; col. 39, line 61-

col. 40, line 3; Employers indicate their requirements for projects as well as the hiring

process.).

As per claims 3 and 21, Joao discloses the method and system of claims 1 and

19, wherein the skills fulfillment module further comprises:

a request for proposal (RFP) function for entering an RFP (col. 24, lines 37-49;

col. 32, lines 30-38; The system allows contractors and employers to submits offers and

counteroffers to each other as well as have bidding for projects.);

a work order function for documenting terms and conditions of a project and a

purchase order function for generating a purchase order in response to an approved

work order (col. 33, line 53-col. 34, line 11; The system maintains project-specific

information such as project requirements, hirings and schedules. The system also

maintains financial information associated with payment of contractors for work on a

project. Thus, a work order can include a requirement to hire a contractor and the

purchase order can include the offering of a job to a contractor.);

a logistics management function for facilitating the logistical components of a

hiring process including management of blood testing, badging, and facilities (col. 24,

lines 34-49; The system allows for the management of employee screening and hiring

processes.);

a fulfillment management function for managing the fulfillment of sourcing

requirements, including maintaining a status of sourcing requirements (col. 24, lines 37-

49; col. 25, lines 24-30; col. 39, lines 33-39; col. 39, line 61-col. 40, line 3; Employers

indicate their requirements for projects as well as the hiring process. The system

maintains status information as to whether a deal has been reached between a

contractor and an employer.);

a risk management function for facilitating the pre-qualification of a contractor

and a consultant and for monitoring compliance with government rules and regulations

(col. 24, lines 34-49; col. 25, lines 25-31; col. 40, lines 59-65; Employers enter

requirements of contractors for certain projects. Potential contractors are screened to

ensure they meet those requirements before they are hired.).

As per claims 5 and 23, Joao discloses the method and system of claims 1 and

19, wherein the plurality of modules further comprises:

a supply management module comprising a supplier network function and a

digital portfolio function, a supplier workbench module comprising a supplier workbench

function (col. 14, lines 28-45; col. 35, lines 47-58; col. 36, lines 16-20; Figure 1; The

system includes a supplier network in which the suppliers are contractors/employees

and the buyers are employers needing positions filled for projects/work assignments.

Electronic catalogs are used to transmit resumes and other information between

contractors and employers.); and

a common functions module comprising: an administration function, a workflow

function, a catalog function and an agreements function (col. 24, lines 37-49; col. 35,

lines 47-58; col. 36, line63-col. 37, line 11; The system creates electronic catalogs to

communicate information between contractors and employers. The system also

employs "intelligent agents" to facilitate workflow and other administrative functions.
The system also manages offers and counteroffers between contractors and
employers.).

As per claims 6 and 24, Joao discloses the method and system of claims 1 and
19, wherein the different participants include a contractor who is an individual contingent
worker, a client who is an employee of an enterprise, a recruiter who sells a service of
finding contingent workers, and a staffing supplier who sells a service of finding
contingent workers, including finding multiple contingent workers to staff a project (col.
11, lines 45-67).

As per claims 7 and 25, Joao discloses the method and system of claims 6 and
24, wherein the participant includes a contractor, a staffing supplier, and a recruiter, and
wherein the predetermined criteria includes a list of staffing suppliers, and a list of skills,
and wherein the predetermined criteria are generated by the analysis function (col. 25,
lines 25-31; col. 25, line 66-col. 26, line 10; The system provides reports to employers
seeking contractors based on the employers' criteria.).

As per claims 8 and 26, Joao discloses the method and system of claims 7 and
25, wherein the different participants have varying levels of access to the hosted
network application based upon attributes, wherein attributes include personal attributes
associated with a participant, and enterprise attributes associated with an enterprise
using the hosted network application (col. 15, lines 1-22; The database contains
personal information about the users of the system. Access to the information may be
restricted to certain users.).

As per claims 10 and 28, Joao discloses the method and system of claims 5 and 23, wherein the digital portfolio function comprises:

populating a digital portfolio data entity with data extracted from an electronic resume, populating the digital portfolio data entity with data from systems external to the hosted network application and automatically updating the digital portfolio data entity with data from the work journal data entity (col. 14, lines 28-33 and 46-60; Contractors maintain their information that is stored in the database and accessible to employers. The contractor information includes data that would typically be found in a resume.).

As per claims 11 and 29, Joao discloses the method and system of claims 1 and 19, wherein the search function comprises;

performing a search for a contractor based upon predetermined criteria entered by a participant, performing a search for a contingent position based upon predetermined search criteria entered by the participant, searching the database, including searching a plurality of digital portfolio data entities and searching a plurality of public databases that are not part of the hosted application (col. 24, lines 37-49; col. 25, line 66-col. 26, line 7; Contractors/employers search the database for information, or digital portfolios, about each other in order to determine appropriate job matches.).

As per claims 12 and 30, Joao discloses the method and system of claims 3 and 21, wherein the work order function comprises; .

a participant generating a work order based upon a successful search for a contractor, at least one participant reviewing the work order at least one level in order to determine whether to approve the work order, if the work order is not approved,

returning the work order to a level below the level at which it was not approved and collecting data regarding the work order, approval, and failure to approve in the database, wherein the knowledge management module accesses the collected data (col. 16, lines 33-50; The database contains information about the contractors who have been approved in advance to work for a specific employer as well as information about the contractors who have not been approved in advance to work for a specific employer.).

As per claims 13 and 31, Joao discloses the method and system of claims 12 and 30, wherein the work order function further comprises associating a purchase order with the work order when the work order is approved (col. 33, line 53-col. 34, line 11; The system maintains project-specific information such as project requirements, hirings and schedules. The system also maintains financial information associated with payment of contractors for work on a project. Thus, a work order can include a requirement to hire a contractor and the purchase order can include the offering of a job to a contractor.).

As per claims 15 and 33, Joao discloses the method and system of claims 3 and 21, wherein the request for proposal function comprises receiving a request for proposal including a list of required contingent workers and their associated skills, linking the request for proposal with a project specification that includes data regarding a project to be staffed, generating a search based upon the request for proposal and the project specification, wherein the search uses the exchange module, broadcasting at least part of the request for proposal to publicly accessible applications, receiving responses to

the request for proposal, conducting bargaining based upon responses to the request

for proposal including auctions and reverse auctions (col. 24, lines 37-49; col. 32, lines

30-38 and 47-65; The system allows contractors and employers to submits offers and

counteroffers to each other as well as conduct bidding and auctioning on projects. The

bidding and auctioning can occur via email.).

As per claims 16 and 34, Joao discloses the method and system of claims 1 and

19, wherein the reporting function comprises generating at least one report using data

including data generated by the plurality of modules and stored in the database (col. 22,

lines 42-53; col. 25, line 66-col. 26, line 10; The system provides reports to both,

contractors seeking jobs, as well as employers seeking contractors. The reports are

generated from data stored in the database(s).).

As per claims 17 and 35, Joao discloses the method and system of claims 1 and

19, wherein the analysis function comprises:

automatically performing an analysis of at least one report based upon criteria

selected by a participant and the participant changing at least one attribute based upon

a review of the analysis (col. 22, lines 42-53; col. 25, line 66-col. 26, line 10; The system

provides reports to both, contractors seeking jobs, as well as employers seeking

contractors. Contractors and employers can update/revise their searches to achieve

different results.).

As per claims 18 and 36, Joao discloses the method and system of claims 1 and

19, wherein the hosted network application is hosted on the Internet (col. 13, lines 23-

34).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 4, 9, 14, 22, 27, 32, 37, 39 and 40 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Joao (U.S. 6,662,194) as applied above.

As per claims 4 and 22, Joao discloses the method and system of claims 1 and

19, wherein the resource management module further comprises tracking expenses

(col. 34, lines 33-46; The system maintains financial accounts for tracking payments

(i.e., expenses) to individuals for work performed on projects.). Joao also discloses

creating reports on contractor and employer data, which is stored in the database(s)

(col. 22, lines 42-53; col. 25, line 66-col. 26, line 10; The system provides reports to

both, contractors seeking jobs, as well as employers seeking contractors.). However,

Joao does not expressly disclose an expense reporting function. At the time of the

invention, it would have been obvious to a person of ordinary skill in the art for the

system of Joao to report on the expenses that are tracked in the database(s) since Joao

already has the ability to report on data stored in the database(s), and further, an

expense report would enable employers to easily and efficiently view expense data for

each project, thus enhancing the overall management of projects.

As per claims 9 and 27, Joao discloses the method and system of claims 1 and

19, wherein the work journal function comprises:

the contractor entering data into a work journal data entity, wherein the entered

data comprises, hours worked, type of work done and comments regarding work done

(col. 15, lines 23-33; col. 33, lines 53-67; The system maintains work schedules for

contractors, which includes the days/times of their project activities as well as their

availability.). Joao does not expressly disclose a manager reviewing the work journal

data entity, approving the work journal data entity and entering comments into the work

journal data entity. However, it is old and well known for employees/contractors to have

their work reviewed upon completion and to receive a performance evaluation from their

manager. Thus, at the time of the invention, it would have been obvious to a person of

ordinary skill in the art for the system of Joao to have a manager review, approve and

add comments to a contractor's work since doing so would help the contractor acquire

additional jobs (if the contractor did good work) as well as help employers in their

search for contractors by being able to view other manager's reviews of the contractors'

work and performance.

As per claim 37, Joao discloses an electromagnetic medium containing

executable instructions which, when executed in a processing system, cause the

system to perform workforce management, wherein performing workforce procurement

comprises:

receiving a staffing requirement for a project and searching a database of digital

portfolios to find at least one suitable contractor for the project (col. 11, lines 3-11; col.

20, lines 53-63; col. 25, lines 25-31; Figure 1; The system includes several interfaces for

conducting job searching and recruitment related functions. The interfaces are

maintained by various parties including contractors, freelancers, employers and

recruiters. Employers use the system to enter project requirements including specific

skills.);

filling the staffing requirement with the at least one contractor (col. 24, lines 37-

49; Contractors are presented offers to fill a staffing requirement.); and

automatically updating a digital portfolio of the at least one contractor using data

entered by the at least one contractor and at least one supervisor of the at least one

contractor (col. 14, lines 28-45; col. 35, lines 47-58; col. 36, lines 16-20; Figure 1; The

system includes a supplier network in which the suppliers are contractors/employees

and the buyers are employers needing positions filled for projects/work assignments.

Electronic catalogs are used to transmit resumes and other information between

contractors and employers.); and

maintaining a work journal for the at least one contractor for an ongoing project,

including automatically updating work journal, using data input by the at least one

contractor (col. 15, lines 23-33; col. 33, lines 53-67; The system maintains work

schedules for contractors, which includes the days/times of their project activities as

well as their availability.).

Joao does not expressly disclose a work journal being updated by at least one

supervisor of the at least one contractor regarding job performance of the at least one

contractor. However, it is old and well known for employees/contractors to have their

work reviewed upon completion and to receive a performance evaluation from their

manager. Thus, at the time of the invention, it would have been obvious to a person of

ordinary skill in the art for the system of Joao to have a manager review, approve and

add comments to a contractor's work since doing so would help the contractor acquire

additional jobs (if the contractor did good work) as well as help employers in their

search for contractors by being able to view other manager's reviews of the contractors'

work and performance.

As per claims 14, 32 and 39, Joao discloses the method, system and

electromagnetic medium of claims 1, 19 and 37, wherein the settlement function

comprises submitting the approved work journal of a contractor to a staffing supplier

associated with the contractor and storing data regarding the settlement function in the

database, wherein the knowledge management module accesses the stored data (col.

34, lines 33-46; The system maintains financial accounts for tracking payments (i.e.,

expenses) to individuals for work performed on projects.). Joao does not expressly

disclose generating an invoice or submitting the invoice to the manager for approval.

However, it is old and well in the art of project management that when work is done by

third parties, the third parties charge for their completed work via invoices. Thus, at the

time of the invention it would have been obvious to a person of ordinary skill in the art in

the system of Joao for the contractors to generate invoices after their work on the

project is completed (and approved) because doing so is an old and well known process

in the industry and doing so also enables the contractors to get paid for their services

rendered.

As per claim 40, Joao discloses the electromagnetic medium of claim 39,

wherein performing workforce management further comprises generating reports

regarding the project using data from the work journal (col. 15, lines 23-33; col. 31, lines 32-42; Employers may get reports on contractors that are available for projects, where the report is based on data from the contractors' work schedules stored in the database(s).).

Response to Arguments

8.   Applicant's arguments are moot in view of the new grounds of rejections.

Conclusion

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Colon whose telephone number is 571-272-6727. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 571-272-6729.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

or faxed to:

703-872-9306   [Official Communications; including After Final

communications labeled "Box AF"]

571-273-6727   [For status inquiries, draft communication, labeled

"Proposed" or "Draft"]

Hand delivered responses should be brought to:

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C. Michelle Colón
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Art Unit 3623

August 1, 2005